



**NEWBERRY COUNTY COUNCIL
COUNTY COUNCIL AGENDA
Newberry Courthouse Annex
1309 College Street, Newberry, SC 29108
December 17, 2025
6:00 P.M.**

Call to order: Robert Shealy, Chairman.
Invocation and Pledge of Allegiance: Karl Sease, Council Member.

1. Adoption of Consent Agenda:

- a. Newberry County Council Special Called Meeting – November 10, 2025.
- b. Newberry County Council Work Session Minutes – November 19, 2025.
- c. Newberry County Council Meeting Minutes – November 19, 2025.
- d. Newberry County Economic Development Committee – December 1, 2025
- e. Newberry County Council Special Called Meeting – December 10, 2025.

2. Additions, Deletions & Adoption of the Agenda.

3. Special Recognition:

a. Employee Recognitions:

i.	Crystal Houseal	10 years	Corrections.
ii.	Ron Halfacre	20 years	Magistrate
iii.	Joseph “Les” Bickley	Retirement	Public Works.
iv.	William “Pete” Johnson	Retirement	NCSO.

4. Ordinance 11-01-2025. An Ordinance to amend the text of the Official Zoning Ordinance of Newberry County, South Carolina, as codified in Chapter 153 of the Code of Ordinances of Newberry County, South Carolina, to establish new landscape, buffer and open space requirements.

- a. Third Reading.
5. Ordinance 11-02-2025. An Ordinance adopting the requirements of the South Carolina Local Government Development Agreement Act; creating uniform requirements for the execution and delivery of development agreements by Newberry County Council; And Other Related Matters.
 - a. Third Reading.
6. Ordinance 11-03-2025. An Ordinance authorizing the County of Newberry, by Newberry County Council, to enter into an Option and Purchase Agreement to evaluate the sale of real property to be determined through negotiations of all purchase terms and conditions, for economic development purposes with Project Altair.
 - a. Third Reading.
7. Ordinance 11-04-2025. An Ordinance to enter into an agreement between Newberry Electric Cooperative, Inc. and Newberry County to exchange property known as Tax Map Number 576-11 for a portion of the property known as Tax Map Number 576-12 as described full herein.
 - a. Third Reading
8. Resolution No. 08-25. An Inducement Resolution committing to negotiate a fee in lieu of tax agreement between Newberry County And Duke Energy Carolinas, LLC; identifying the Project; and other related matters.
9. Ordinance No. 11-05-2025. An Ordinance authorizing the execution and delivery of a fee agreement by and between Newberry County, South Carolina and Duke Energy Carolinas, LLC, providing for a payment of a fee in lieu of taxes, providing special source revenue credits, and addressing other matters related thereto.
 - a. Second Reading.
10. Resolution No. 09-25. An Inducement Resolution committing to negotiate a fee in lieu of tax agreement between Newberry County and Project Nova; identifying the Project; and other related matters.

11. Ordinance 12-01-2025. An Ordinance acting on a request to amend the official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 6-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts so as to rezone one (1) real estate parcel totaling eighty hundredths (.80) acres designated as TMS No. 640-88 from RS-Single Family to R2-Rural.
 - a. First Reading.
12. Consideration of a motion to adopt the proposed 2026 County Council Meeting Schedule.
13. County Council may take action on matters discussed during executive session of the 5:00 p.m. meeting.
14. Appointments.
 - Building, Fire and Nuisance Codes Board of Appeals – District 4
 - Board of Rural Fire Control – Consolidated 5
 - Newberry County Disabilities and Special Needs Board – District 7.
15. Public Comments (Three Minutes).
16. Comments/Requests from County Administrator.
17. Comments/Requests from Council.
18. Future meetings:
 - a. Christmas Holiday – December 24-26 – Offices Closed.
 - b. New Years Day Holiday – January 1, 2026 – Offices Closed.
19. Adjournment.

**NEWBERRY COUNTY COUNCIL SPECIAL MEETING
MINUTES
November 10, 2025**

Newberry County Council met on Monday, November 10, 2025, at 10:00 a.m. in the Board Room of the Newberry Electric Cooperative, 882 Wilson Road, Newberry, SC 29108 for a special called meeting.

Notice of the meeting was duly advertised, as required by law.

PRESENT: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Leon Fulmer Jr., Council Member
Todd Johnson, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Joanie Winters, County Attorney

ABSENT: Travis Reeder, Council Member

Mr. Shealy called the meeting to order at 10:00 a.m.

Mr. Sease led the invocation and Pledge of Allegiance

1. Additions, Deletions & Adoption of the Agenda.

- Mr. Fulmer made a motion to adopt the agenda as presented; Mr. Sease provided the second and the motion carried 6-0.

2. Executive Session:

a. Personnel Matter(s):

- i. Discussion of matters related to the employment, appointment, and compensation of employees within County Administration pursuant to SC Code of Laws Section 30-4-70(a)(1).
 - Mr. Fulmer made a motion to go into Executive Session; Mr. Smith provided the second and the motion carried 6-0.
 - Newberry County Council went into Executive Session at 10:07 a.m.
 - Mr. Sease made a motion to come out of Executive Session; Mr. Johnson provided the second and the motion carried 6-0.
 - Newberry County Council came out of Executive Session at 12:24 p.m.
3. County Council may take action on matters discussed during executive session.
- No action was taken.
4. Adjournment.
- Mr. Johnson made a motion to adjourn; Mr. Sease provided the second and the motion carried 6-0.
 - The Newberry County Council Special Called meeting adjourned at 12:27 p.m.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Chairman

Joanie Winters, County Attorney

Minutes Approved: _____

**NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
November 19, 2025**

Newberry County Council met on Wednesday, November 19, 2025, at 5:01 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a Work Session.

Notice of the meeting was duly advertised, as required by law.

PRESENT: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Leon Fulmer, Council Member
Todd Johnson, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Rick Farmer, Economic Development Director
Jessie Long, Economic Development Coordinator
Eric Nieto, IT Director
Andrew Wigger, Clerk to Council/PIO

Mr. Shealy called the meeting to order at 5:01 p.m.

1. Executive Session:

a. Economic Development Matter(s):

- i. Discussion of matters related to *Project N* pursuant to SC Code of Laws Section 30-4-70(a)(5)

b. Personnel Matter(s):

i. Discussion of matters related to the employment, appointment, and compensation of employees within County Administration pursuant to SC Code of Laws Section 30-4-70(a)(1).

- Mr. Reeder made a motion to go into Executive Session; Mr. Fulmer provided the second and the motion carried 7-0.
- Newberry County Council went into Executive Session at 5:02 p.m.
- Mr. Smith made a motion to come out of Executive Session; Mr. Sease provided the second and the motion carried 7-0
- Newberry County Council came out of Executive Session at 5:57 p.m.

2. Adjournment.

- Mr. Johnson made a motion to adjourn; Mr. Reeder provided the second and the motion carried 7-0.
- The Newberry County Council Work Session adjourned at 5:57 p.m.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

**NEWBERRY COUNTY COUNCIL
MINUTES
November 19, 2025**

Newberry County Council met on Wednesday, November 19, 2025, at 6:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

Notice of the meeting was duly advertised, as required by law.

PRESENT: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Leon Fulmer Jr., Council Member
Todd Johnson, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Karen Brehmer, Deputy County Administrator
Captain Ben Chapman, NCSO
Rick Farmer, Economic Development Director
Jessie Long, Economic Development Coordinator
Eric Nieto, IT Director
Andrew Wigger, Clerk to Council/PIO

Mr. Shealy called the meeting to order at 6:00 p.m.

Mr. Scurry led the invocation and Pledge of Allegiance

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session Minutes – November 5, 2025.
 - b. Newberry County Council Meeting Minutes – November 5, 2025.
- Mr. Reeder made a motion to accept the minutes as presented; Mr. Scurry provided the second and the motion carried 7-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Sease made a motion to adopt the agenda as presented; Mr. Johnson provided the second and the motion carried 7-0.

3. Public Appearance:

a. Newberry Soil and Water Conservation District – Doug Heydt.

- Mr. Heydt updated Newberry County Council on the Newberry Soil and Water Conservation District's progress over the last quarter. He said Ms. Crista Lukowski had to work remotely during the government shutdown as she works in a federal building, and they appreciate her dedication working remotely.
- During the past quarter, they had a \$1,500 mini grant for the messiest yard program with two winners, one from Newberry and one from Whitmire. They hired local contractors to cut down more trees from Hurricane Helene, along with various other yard work.
- The NSWCD recently held their annual awards affiliate banquet with 60 in attendance, including members of Newberry County Council.
- NSWCD teamed up with the Newberry Electric Cooperative to hold a shred day event at the Coop.
- They recently received a Mobile Education Grant to bring in a mobile lab, and they have been utilizing the lab at various events.
- Mr. Reeder said he appreciates what they do, especially keeping Newberry clean and providing activities for students not only during the school year, but during the summer as well.

4. Ordinance 11-01-2025. An Ordinance to amend the text of the Official Zoning Ordinance of Newberry County, South Carolina, as codified in Chapter 153 of the Code of Ordinances of Newberry County, South Carolina, to establish new landscape, buffer and open space requirements.

a. Public Hearing.

- Mr. Shealy declared the Public Hearing open, but with no one signed up to speak, he declared the Public Hearing closed.

b. Second Reading.

- Mr. Smith made a motion to accept second reading; Mr. Scurry provided the second and the motion carried 7-0.

5. Ordinance 11-02-2025. An Ordinance adopting the requirements of the South Carolina Local Government Development Agreement Act; creating uniform requirements for the execution and delivery of development agreements by Newberry County Council; And Other Related Matters.

a. Public Hearing.

- Mr. Shealy declared the Public Hearing open.
- Mr. Tyler Johnson thanked council for looking into this, he said it will help offset the costs for existing taxpayers. He asked that council look at the development fee and look at increasing it, he said he's seen other counties that have their fees as high as \$40,000. He said they need to keep in mind a lot of the infrastructure that will be required are caused by these developments.
- Ms. Liesha Huffstetler said she is in agreement with what Mr. Johnson said about the development fees. She said that a new fire or EMS trucks are expensive, and if you have a 200 home subdivision and \$10,000 per house fee that is \$2 million for them to add fire truck, etc. She said what is \$10,000 on a \$250,000 house. She asked council to consider that because they will need more fire, EMS, etc.
- With no one else signed up, Mr. Shealy declared the Public Hearing closed.

b. Second Reading.

- Mr. Johnson made a motion to accept second reading; Mr. Reeder provided the second.
- Mr. Johnson said it was brought up at the last meeting about the fee and not impacting the schools. He said he has heard a lot about that;

he thinks it is important for everyone to understand this fee is not locked and it will be re-visited every year. He thinks going into the next year, he would like to challenge staff to work with the school district and find out what their anticipated costs would be and work with them to not only get a county portion, but something to the school district to address their needs as well. He said he is fine with it for now, but next year's budget they consider that need.

- The motion carried 7-0.

6. Ordinance 11-03-2025. An Ordinance authorizing the County of Newberry, by Newberry County Council, to enter into an Option and Purchase Agreement to evaluate the sale of real property to be determined through negotiations of all purchase terms and conditions, for economic development purposes with Project Altair.

a. Public Hearing.

- Mr. Shealy declared the Public Hearing Open.
- Mr. Tyler Johnson requested clarification on what this Ordinance actually does, he said it was his understanding that this just begins the process, and no finality. He asked when this process begins, requesting they mention that during the discussion.
- With no one else signed up, Mr. Shealy declared the Public Hearing closed.

b. Second Reading.

- Mr. Shacker said this starts the process and enables the prospect to conduct some of the due diligence they need to conduct and one of those important pieces is an infrastructure study, related to power capacity for that property.
- Mr. Smith made the motion to accept second reading; Mr. Sease provided the second and the motion carried 7-0.

7. Ordinance 11-04-2025. An Ordinance to enter into an agreement between Newberry Electric Cooperative, Inc. and Newberry County to exchange property

known as Tax Map Number 576-11 for a portion of the property known as Tax Map Number 576-12 as described full herein.

- Mr. Shealy turned over the meeting to Mr. Sease as Mr. Shealy recused himself, Mr. Fulmer also recused himself as they are both connected to Newberry Electric Cooperative.

a. Public Hearing.

- Mr. Sease declared the Public Hearing open.
- Mr. Tyler Johnson said looking over this he wanted to bring some awareness to the optics of it because they are looking at a 5.11 swap to basically doubling it, he said these are county owned properties and he understands it brings value, but he wants to make sure the county is getting the max value out of the investments to the county. He wanted to know if there are any improvements on the land currently owned by the Newberry Electric Cooperative to explain the increase in the reassessment value where no other properties in the industrial park saw any increases, but with the increase in reassessment, it brought an almost even swap.
- With no one else signed up, Mr. Sease declared the Public Hearing closed.

b. Second Reading.

- Mr. Johnson made a motion to accept second reading; Mr. Reeder provided the second and the motion carried 5-0.
- Following the vote, Mr. Shealy and Mr. Fulmer returned to the Chambers and the meeting was turned back over to Mr. Shealy.

8. Resolution No. 06-25. An Inducement Resolution committing to negotiate a fee in lieu of tax agreement between Newberry County And Duke Energy Carolinas, LLC; identifying the Project; and other related matters.

- Mr. Shacker said this is an existing fee and this amounts to resetting the clock on the investment window on the project previously approved by council. The project is in the Silverstreet area, involving solar, and is a 30-

year fee deal and the basis for the payment of the fee is the rated capacity in megawatts of the proposed facility. It is the same terms, just new dates.

- Mr. Johnson made a motion to accept the Resolution; Mr. Fulmer provided the second and the motion carried 7-0.

9. Ordinance No. 11-05-2025. An Ordinance authorizing the execution and delivery of a fee agreement by and between Newberry County, South Carolina and Duke Energy Carolinas, LLC, providing for a payment of a fee in lieu of taxes, providing special source revenue credits, and addressing other matters related thereto.

a. First Reading.

- Mr. Reeder made a motion to accept first reading; Mr. Johnson provided the second and the motion carried 7-0.

10. Consideration and approval of a bid for Prosperity Parks Improvements, a 2022 CPST Project (Bid Number 2025-17).

- Mr. Shacker said this is one of the 12 Capital Project Sales Tax projects and this is for park improvements in the Town of Prosperity.
- The low bidder was First Class Construction. Mr. Shacker said the way they went about the bid was a base bid and three alternates, to give them flexibility to ensure the bid is within budget. Staff recommends council accept the base bid and alternates one and two but decline alternate three due to a lack of available funds.
- This would be for improvements to the park at North Main, the Town Center, and Langford Street Park. The two recommended alternates is for asphalt paving of the parking lots.
- Mr. Johnson asked how this bid was awarded; Mr. Shacker said it was a sealed bid, and they are going with the lowest bid.
- Mr. Reeder made a motion to approve the bid, with two alternates, from First Class Construction, Mr. Smith provided the second.
- Mr. Johnson said to bid the project with alternates is the best way to do it because if you are ever given the bid and then change the contract, you become a hostage at that point. He commended whoever did the bid that way and hopes they will continue to do so.
- The motion carried 7-0.

11. County Council may take action on matters discussed during executive session of the 5:00 p.m. meeting.

- No action was taken.

12. Appointments.

a. Upper Savannah Workforce Development Board.

- Mr. Sease nominated Chris Milstead for the Upper Savannah Workforce Development Board, per their recommendation. Mr. Johnson made a motion to accept; Mr. Smith provided the second and the motion carried 7-0.

13. Public Comments (Three Minutes).

- There were no Public Comments.

14. Comments/Requests from County Administrator.

- Mr. Shacker thanked council for getting that bid awarded for Prosperity. He gave updates on the other projects, including that Whitmire's project will be completed by the end of the year and the Pomaria project is not far behind.
- The financial software target is the end of the calendar year for integration to be done, and they will have training after the first of the year.

15. Comments/Requests from Council.

- Mr. Johnson said he is the representative for the county to Lake Murray County Tourism. Something that came up at their last meeting was that some counties are charging for short term rentals, and they were actually able to run some research, and the county is already working on an ordinance to regulate those, but in Newberry

County \$12 million was spent on short term rentals. He said they make hotels pay fees, and that is somewhere they should look at as well.

- Mr. Reeder reminded everyone about the upcoming Newberry Christmas Parade. He also introduced everyone to the new superintendent for the Newberry County School District, Dr. Anderson.
- Mr. Shealy said that most people may already know, but Mr. Shacker will be retiring in the near future. He said they are in the interview process now, and it is going well.

16. Future meetings:

- a. Thanksgiving Holiday – November 27-28 – Offices Closed.
- b. Newberry County Economic Development Committee – December 1 at 5 p.m.
- c. Newberry County Finance Committee – December 8 at 5 p.m. CANCELLED.
- d. Newberry County Council Work Session – December 17 at 5 p.m.
- e. Newberry County Council – December 17 at 6 p.m.
- f. Christmas Holiday – December 24-26 – Offices Closed.
- g. New Years Day Holiday – January 1, 2026 – Offices Closed.

17. Adjournment.

- Mr. Johnson made a motion to adjourn; Mr. Smith provided the second and the motion carried 7-0. Newberry County Council adjourned at 6:31 p.m.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

**NEWBERRY COUNTY COUNCIL ECONOMIC DEVELOPMENT COMMITTEE
MINUTES
December 1, 2025**

Newberry County Council Economic Development Committee met on Monday, December 1, 2025, at 5:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

Notice of the meeting was duly advertised, as required by law.

PRESENT: Karl Sease, Committee Chair
Travis Reeder, Committee Member
Robert N. Shealy, Committee Member
Jeff Shacker, County Administrator
Rick Farmer, Economic Development Director
Jessie Long, Economic Development Coordinator
Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

Mr. Sease called the meeting to order at 5:00 p.m.

Mr. Shealy led the Invocation and Pledge of Allegiance.

1. Additions, Deletions, & Adoption of the Agenda.

- Mr. Shealy made a motion to adopt the agenda as presented; Mr. Reeder provided the second and the motion carried 3-0.

2. Staff Report

a. Updates – Product/Prospect Development:

I. Property Listings, Updates, and Fliers

- Staff have begun work on property fliers for Mid-Carolina Commerce Park I and II, Newberry South Industrial Site, etc. When they are ready to go, they will be added to the website and sent to Central S.C. Alliance and the Department of Commerce for Locate SC.

II. FAM Tour

- Staff recently participated in the Familiarization Tour with seven site consultants where they highlighted the community and provided a gift that was representative of Newberry County.

III. Timber Management Plan

- Mr. Farmer recently reviewed the Timber Management Plan and his only concern with the plan was that they stay away from the extra 10 acres behind MM Technics and the plan does reflect that. With that in place, he thinks it is a good plan.
- Mr. Sease asked where Tract D is located, Mr. Farmer said it is along the interstate.
- Mr. Sease asked about the Fairgrounds and that it may need to be thinned as well, Ms. Long clarified that is in the plan.
- Mr. Shacker said timber prices are not particularly good now, but they need to manage these properties.

IV. MCCP Covenants – Property Used in Common

- Mr. Farmer said the county will be implementing a shared cost maintenance plan in Mid-Carolina Commerce Park. This was always an option given to the county by the restrictive covenants and now that they have several tenants in MCCP, it's time to begin.

b. Strategic Planning:

I. Infrastructure Expansion Underway

- The county has done more infrastructure expansion this year than they have before. This includes Mawson's Way extension and road work in Mid-Carolina Commerce Park.

II. Industrial Seminar II

- Ms. Long said their next seminar would be held on Dec. 9 with three speakers.

III. Budget Planning

- Mr. Farmer said he wanted to give the Committee a heads up that he will be requesting funding in the next fiscal year for preventative maintenance in MCCP for roadway work, including sealing cracks, line repairs and minor asphalt repairs. This is specifically for the road built about 15 years ago.
- Mr. Shealy asked if they talked about resurfacing that road before, Mr. Farmer said not that specific road.

3. Executive Session §30-4-70 (a)(2) and (a)(5): Discussion of matters incident to proposed contractual arrangements, and related to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other business in the area served by the public body, including Projects Altair, Captain America, Night Train, Stelvio, Century, Forge, other relevant projects, and economic incentives.

- Mr. Shealy made a motion to go into Executive Session; Mr. Reeder provided the second and the motion carried 3-0.
- The Newberry County Economic Development Committee went into Executive Session at 5:12 p.m.
- Mr. Shealy made a motion to come out of Executive Session; Mr. Reeder provided the second and the motion carried 3-0.
- The Newberry County Economic Development Committee came out of Executive Session at 5:39 p.m.

4. Comments by and discussion items from the Committee Members.

- Mr. Reeder said it was a very productive meeting, and he is looking forward to everything that will take place in 2026.
- Mr. Shealy told staff they were doing a good job.

5. Adjourn

- Mr. Shealy made a motion to adjourn; Mr. Reeder provided the second and the motion carried 3-0.
- The Newberry County Economic Development Committee adjourned at 5:40 p.m.

NEWBERRY COUNTY COUNCIL

Karl Sease, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

**NEWBERRY COUNTY COUNCIL SPECIAL MEETING
MINUTES
December 10, 2025**

Newberry County Council met on Wednesday, December 10, 2025, at 9:30 a.m. in the Board Room of the Newberry Electric Cooperative, 882 Wilson Road, Newberry, SC 29108 for a special called meeting.

Notice of the meeting was duly advertised, as required by law.

PRESENT: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Leon Fulmer Jr., Council Member
Todd Johnson, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Joanie Winters, County Attorney

ABSENT: Travis Reeder, Council Member

Mr. Shealy called the meeting to order at 9:32 a.m.

1. Additions, Deletions & Adoption of the Agenda.

- Mr. Sease made a motion to adopt the agenda as presented; Mr. Johnson provided the second and the motion carried 6-0.

2. Executive Session:

a. Personnel Matter(s):

- i. Discussion of matters related to the employment, appointment, and compensation of employees within County Administration pursuant to SC Code of Laws Section 30-4-70(a)(1).

- Mr. Fulmer made a motion to go into Executive Session; Mr. Johnson provided the second and the motion carried 6-0.
- Newberry County Council went into Executive Session at 9:37 a.m.
- Mr. Fulmer made a motion to come out of Executive Session; Mr. Smith provided the second and the motion carried 6-0.
- Newberry County Council came out of Executive Session at 10:44 a.m.

3. County Council may take action on matters discussed during executive session.

- No action was taken.

4. Adjournment.

- Mr. Johnson made a motion to adjourn; Mr. Sease provided the second and the motion carried 6-0.
- The Newberry County Council Special Called meeting adjourned at 10:47 a.m.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Chairman

Joanie Winters, County Attorney

Minutes Approved: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 11-01-2025

AN ORDINANCE AMENDING THE TEXT OF THE OFFICIAL ZONING ORDINANCE OF NEWBERRY COUNTY, SOUTH CAROLINA, AS CODIFIED IN CHAPTER 153 OF THE CODE OF ORDINANCES OF NEWBERRY COUNTY, SOUTH CAROLINA BY AMENDING SECTION 153.174, PDD – PLANNED DEVELOPMENT DISTRICTS, SECTION 153.18, EXISTING VEGETATION, 153.182 BUFFERS, SECTION 153.184 LANDSCAPING, 153.185 OPEN SPACE, AND 153.231 DEFINITIONS.

WHEREAS, the County of Newberry (the “County”) is a political subdivision of the State of South Carolina; and

WHEREAS, Newberry County Council (the “Council”) is the duly elected governing body of the County of Newberry; and

WHEREAS, the Council is vested with the authority to amend, delete, or create ordinances that are in the best interest of the County pursuant to Section 4-9-30 et al of the South Carolina Code of Laws, 1976, as amended; and

WHEREAS, it has been determined by the Council that certain sections of the Zoning Ordinance of Newberry County were in need of review and amendment.

The following sections of the County Code of Ordinances have proposed amendments:

SECTION 1. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.174 PDD – Planned Development Districts; is hereby amended by adding the word, delineated under Subsection (B) PDD Requirements, (7)(a)(1). Also added under Subsection (B)(12), is the sentence, Any subsequent amendments to the PDD plan shall be reviewed by the Planning Commission and approved by County Council. Deleted from Section 153.174 (12) are paragraphs (a) and (b).

SECTION 2. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.181 Existing Vegetation is added as follows:

(A) Land clearing. No tract of land proposed for development as major subdivision, multi-family residential, or manufactured home park shall be clear cut before a tree survey is conducted per the requirements of 153.181 (B).

(B) Tree survey. Prior to grading or clearing a lot or parcel proposed for development as major subdivision, multi-family residential, or manufactured home park, the

developer/owner/applicant shall conduct a tree survey, conducted by an ISA certified arborist, landscape architect, or urban forester, identifying the location of all significant trees. The survey shall include the size (DBH), species, and general condition of each significant tree. However, groups of trees in close proximity may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. Said trees shall be shown on a survey plat and physically marked on site with brightly colored tape or other markings. The tree survey shall be provided to the County as part of the preliminary plat or development plan submission.

(C) Maintenance/replacement of significant trees. The zoning administrator shall work with the developer/owner/applicant to preserve as many significant trees as possible based on the proposed land use and proposed development plan. Significant trees may be removed and replaced with like-kind commercial trees in designated areas of the site with the approval from the zoning administrator.

SECTION 3. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.182 Buffers is amended as follows under Subsection (E) *Use of Buffers*:

A buffer may not be used for passive recreation.

Similarly, under (E) *Use of Buffers* is amended to include:

(3) For residential developments identified as a major subdivision, an exterior boundary treatment buffer shall be provided and meet the following requirements:

(a) A perimeter buffer of 100 feet shall be established along the perimeter of the development site including along all road frontage.

(b) The perimeter buffer area shall be an undisturbed natural area preserved prior to construction permitting. Additional plantings may be required by the zoning administrator to fill in areas as necessary to form a continuous buffer area.

(c) The buffer area shall be identified as perimeter buffer and maintained in perpetuity by a homeowners association or property managers association.

(d) The area within the buffer area shall not be considered in the overall open space calculation for the site.

(e) Areas adjacent to undeveloped parcels must be buffered.

(K) Landscaping. Landscaping in buffers shall adhere to the requirements provided in § 153.184 Landscaping.

SECTION 4. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.184 Landscaping (A)(1)(d) is amended to include:

(d) Selected from the list of preferred plant species for Newberry County unless otherwise certified by a licensed landscape architect or arborist as suitable for Newberry County's climate and comparable in habit and growth rate to a plant included in the list of preferred plant species for Newberry County. The list shall not include plant species identified as invasive in South Carolina by the USDA, Clemson Extension Services or SCDNR.

Section 153.184 is further amended to include:

(K) Entranceway Enhancements.

- (1) Improvements at entranceways. Each entranceway to a residential development shall have a designated entranceway enhancement area that includes signage, landscaping, lighting, and walls and fencing.**
- (2) Area. The area designated for entranceway enhancements shall be no less than 5,000 square feet on one or both sides of an entranceway.**
- (3) Signage. Signs related to designation of a residential development shall be governed by § 153.218. All signs shall be a monument type sign with no clearance between the base of the sign and the ground. Additionally, subdivision signs may be incorporated into a wall or other brick structure. All structures shall be constructed with brick, split-face concrete block, decorative concrete masonry units, stone, terra cotta, fiber cementitious board siding materials, traditional stucco or plaster, or wood.**
- (4) Landscaping. Landscaping shall be provided within the entranceway enhancement area. Landscaping shall be applied to the foundation of any development signage. At no time shall landscaping encroach within a site triangle. All landscaping shall meet the standards of § 153.184 Landscaping. Landscaping shall include a minimum of 12 shrubs as well as one large maturing tree, two medium maturing trees, or three small maturing trees.**
- (5) Walls and fencing. Walls and fencing may be used as a sign structure as well as a boundary treatment for the development. Walls shall be constructed of masonry, brick, and stucco. Fencing shall be made of wood, traditional or split rail style construction, or painted metal in black or brown tones.**
- (6) Lighting.**
 - (a) Safety. All lighting related to the entranceway enhancement area shall meet the applicable requirements of § 153.034 Light and Glare.**

- (b) Signage. Residential development signage shall not be illuminated by an internal source.*
- (c) Landscaping. Landscaping may be illuminated or up lit to enhance the entranceway.*
- (d) Color. Lighting shall be limited to white light.*
- (e) Lamps. Lamps may be utilized with a natural gas source to illuminate the sign or provide an architectural effect.*
- (f) Location. Landscaping illumination shall be placed between the roadway and the landscaping.*

SECTION 5. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.185 Open Space (A) is amended to include “master planned districts” and to delete “cluster developments”, so as to read:

In residential master planned districts, multi-family developments, equestrian subdivisions, manufactured home parks, planned development districts, and major subdivisions as defined in Chapter 154 – Land Development Regulations of the Newberry County Code of Ordinances:

Additional amendments include the deletion of (A)(2) and (G), and the addition under (B) of “*of at least 15 percent.*”

SECTION 6. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.231 Definitions is amended to include:

DIAMETER AT BREAST HEIGHT (DBH). A measurement of the diameter of the trunk of a standing tree at a height of 4.5 feet above ground.

TREE, SIGNIFICANT. Any existing healthy and structurally sound tree which has a diameter at breast height (DBH) of eight inches or greater.

SECTION 7. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 17th day of December 2025 that:

The text of the official zoning ordinance of Newberry County, South Carolina, as codified in Chapter 153 of the code of ordinances of Newberry County, South Carolina, Section 153.174, PDD – Planned Development Districts, Section 153.18, Existing Vegetation, 153.182 Buffers, Section 153.184 Landscaping, 153.185 Open Space, and 153.231 Definitions shall be amended as prescribed by this ordinance.

NEWBERRY COUNTY COUNCIL

BY: _____
Robert Shealy, Chairman

(SEAL)

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, County Attorney

Jeff Shacker, County Administrator

1st Reading: November 5, 2025
2nd Reading: November 19, 2025
Public Hearing: November 19, 2025
3rd Reading: December 17, 2025

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 11-02-2025

AN ORDINANCE ADOPTING THE REQUIREMENTS OF THE SOUTH CAROLINA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT; CREATING UNIFORM REQUIREMENTS FOR THE EXECUTION AND DELIVERY OF DEVELOPMENT AGREEMENTS BY NEWBERRY COUNTY COUNCIL; AND OTHER RELATED MATTERS.

WHEREAS, Newberry County Council ("County Council"), as the governing body of Newberry County, South Carolina ("County") finds:

- (a) the lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning;
- (b) assurance to a developer that upon receipt of its development permits it may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, reduces the economic costs of development, allows for the orderly planning of public facilities and services, and allows for the equitable allocation of the cost of public services;
- (c) because the development approval process involves the expenditure of considerable sums of money, predictability encourages the maximum efficient utilization of resources at the least economic cost to the public;
- (d) public benefits derived from development agreements may include, but are not limited to, affordable housing, design standards, and on and off-site infrastructure and other improvements. These public benefits may be negotiated in return for the vesting of development rights for a specific period;
- (e) land planning and development involve review and action by multiple governmental agencies. The use of development agreements may facilitate the cooperation and coordination of the requirements and needs of the various governmental agencies having jurisdiction over land development;
- (f) development agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government

agencies which may conflict with any term or provision of the development agreement or in any way hinder, restrict, or prevent the development of the project;

- (g) development agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public safety, health, and general welfare of the citizens of our State;
- (h) it is the intent of the County Council to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development;
- (i) this intent is effected by authorizing the appropriate local governments and agencies to enter into development agreements with developers, subject to the procedures and requirements of the South Carolina Local Government Development Agreement Act, codified in South Carolina Code Annotated section 6-31-10, et seq. (collectively, "Act"), and this Ordinance; and
- (j) this Ordinance must be regarded as supplemental and additional to the powers conferred in the County and other government agencies by other laws and must not be regarded as in derogation of any powers existing on the effective date of this chapter.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 17th day of December 2025, as follows:

Section 1. Incorporation of Findings. The County hereby adopts and incorporates the findings contained in the "WHEREAS" clause above.

Section 2. Adoption of State Law. The County hereby adopts and incorporates into the County Code, the Act, including all findings and requirements.

Section 3. Development Agreement Requirements. Development agreements shall be required for all residential developments which consist of Twenty-Five (25) acres or more of highland ~~and which consist of Two (2) or more dwelling units per developable acre.~~ Development agreements shall be approved by the County Council by the adoption of an ordinance. Before entering into a development agreement, the County Council shall conduct at least two public hearings. In addition to any requirements for a valid development agreement as contained in the Act, the County adopts the list of requirements as contained on Exhibit A, which is incorporated herein by reference as if set out in this Ordinance in its entirety.

Section 4. Development Agreement Approval Process. Prior to the consideration by the County Council of any proposed development agreement, the County Administrator in consultation with the County Attorney and Zoning Administrator shall ensure the form, terms, and provisions of the proposed development agreement are consistent with the Act and the requirements of this Ordinance.

Section 5. Development Fees. To lessen the burden and impact on County services, the developer of such projects for which a development agreement is required shall pay a proportionate Development Fee to Newberry County. Newberry County Council determines the anticipated fee to conform to proper spending of such revenue as approved by Newberry County Council. Development Fees and the allocation of the revenue from Development Fees shall be revisited during the fiscal budget process for revision and review. Beginning with Fiscal Year 2026-2027, commencing on July 1, 2026, Development Fee rates shall be prescribed by Newberry County Council in the Uniform Fee Schedule of the Fiscal Year Budget Ordinance. However, until such time, Newberry County Council has determined that an appropriate fee for the development of single-family detached homes shall be the amount of Five Thousand Dollars and No Cents (\$5,000.00) per dwelling unit and that an appropriate fee for the development of single-family attached and multi-family residential units shall be the amount of Four Thousand, Two Hundred, Fifty Dollars and No Cents (\$4,250.00) per dwelling unit. Said rates shall be effective upon adoption of this ordinance and until such time as Newberry County Council establishes Development fee rates in the Uniform Fee Schedule of the Fiscal Year Budget Ordinance.

Section 6. Additional Provisions.

(a) The Chairman of County Council, County Administrator and County Attorney are hereby authorized to execute, deliver, and receive any other agreements and documents as may be required by the County to carry out, give effect to and consummate the transactions authorized by this Ordinance;

(b) This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina;

(c) This Ordinance shall become effective immediately upon approval following third reading by the County Council;

(d) The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder; and

(e) *Section 153.076 – Land Development Agreements* of the official Zoning Ordinance of Newberry County, South Carolina is hereby repealed and replaced with the provisions of this Ordinance. Further, all ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

NEWBERRY COUNTY COUNCIL

BY: _____
Robert Shealy, Chairman

(SEAL)

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, County Attorney

Jeff Shacker, County Administrator

1st Reading: November 5, 2025
2nd Reading: November 19, 2025
Public Hearing: November 19, 2025
3rd Reading: December 17, 2025

**EXHIBIT A
DEVELOPMENT AGREEMENT REQUIREMENTS**

- (A) A legal description of the property subject to the agreement and the names of the property's legal and equitable owners.
- (B) The duration of the agreement which must comply with section 6-31-40 of the Act.
- (C) A representation by the developer of the number of acres of highland contained in the property subject to the agreement.
- (D) The then-current zoning of the property and a statement, if applicable, of any proposed re-zoning of the property.
- (E) The development uses that would be permitted on the property pursuant to the agreement, including population densities, building intensities, and height.
- (F) A description of the public facilities that will service the development, including who provides the facilities, the date any new facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development construction timeline for those facilities. If the agreement provides that the County shall provide certain public facilities, the agreement shall provide that the delivery date of the public facilities will be tied to defined completion percentages or other defined performance standards to be met by the developer.
- (G) A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property as may be required or permitted pursuant to laws in effect at the time of entering into the agreement.
- (H) A description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing the permitting requirements, conditions, terms, or restrictions.
- (I) A finding that the development permitted or proposed is consistent or will be consistent by the time of execution of the agreement, with the County's comprehensive plan, zoning ordinance, and land development regulations.

- (J) A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
- (K) A development schedule including commencement dates and interim completion dates at no greater than five-year intervals.
- (L) If more than one local government is made party to the agreement, a provision stating which local government is responsible for the overall administration of the agreement.
- (M) A listing of the laws and land development regulations that will apply to the development of the property subject to the agreement, including citation to specific ordinance numbers, portions of the County Code of Ordinances, or both.
- (N) A provision, consistent with section 6-31-80 of the Act, addressing the circumstances under which laws and land development regulations adopted after the execution of the agreement apply to the property subject to the agreement.
- (O) A provision stating whether the agreement continues to apply to the property or portions of it that are annexed into a municipality or included in a newly incorporated area and, if so, that the provisions of section 6-31-110 of the Act apply.
- (P) A provision relating to the amendment, cancellation, modification, or suspension of the agreement.
- (Q) A provision for periodic review, consistent with the provisions of the Act.
- (R) A provision addressing the effects of a material breach of the agreement, consistent with the provisions of the Act.
- (S) A provision that the developer, within 14 days after the County executes the Agreement, will record the Agreement with the County Clerk of Court.
- (T) A provision that the burdens of the Agreement are binding on, and the benefits of the Agreement shall inure to, the County and the developer.
- (U) A provision addressing the conditions and procedures by which the Agreement may be assigned, if applicable.

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 11-03-2025

AN ORDINANCE AUTHORIZING THE COUNTY OF NEWBERRY, BY NEWBERRY COUNTY COUNCIL, TO ENTER INTO AN OPTION AND PURCHASE AGREEMENT TO EVALUATE THE SALE OF REAL PROPERTY TO BE DETERMINED THROUGH NEGOTIATIONS OF ALL PURCHASE TERMS AND CONDITIONS, FOR ECONOMIC DEVELOPMENT PURPOSES WITH PROJECT ALTAIR.

WHEREAS, the County of Newberry (the “County”) is a political subdivision of the State of South Carolina; and

WHEREAS, Newberry County Council (the “Council”) is the duly elected governing body of the County of Newberry; and

WHEREAS, the Council is vested with the authority to sell and dispose of real property owned by the County pursuant to Section 4-9-30 et al of the South Carolina Code of Laws, 1976, as amended; and

WHEREAS, Project Altair has expressed interest in property owned by Newberry County for potential economic development; and

WHEREAS, Project Altair desires to conduct due diligence to determine the feasibility of the potential economic development project for a County-owned Property; and

WHEREAS, the County determined, as a fact and following appropriate investigation, that the Property is no longer needed for county purposes and would be of better and higher use and benefit to the County if owned by an individual or entity other than the County, and that as such the Property has been regularly listed a feasible economic development property; and

WHEREAS, Project Altair has proposed, and the County does hereby agree through the proper legislative process of the use of an ordinance under Section 4-9-130 of the South Carolina Code of Laws, 1976, as amended, that the County does authorize that the Newberry County Council enter into an Option and Purchase Agreement with Project Altair.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 17th day of December, 2025 that:

The Council does hereby authorize entering into an Option and Purchase Agreement with Project Altair so that Project Altair may begin its due diligence to ascertain and determine whether the County-owned Property is suitable for their economic development purposes. Upon such determination, the County will engage in good faith negotiations for the purchase of the property and will conclude any ensuing purchase through the legislative process required by South Carolina law to approve the sale of the Property.

NEWBERRY COUNTY COUNCIL

BY: _____
Robert Shealy, Chairman

(SEAL)

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, County Attorney

Jeff Shacker, County Administrator

1st Reading: November 5, 2025
2nd Reading: November 19, 2025
Public Hearing: November 19, 2025
3rd Reading: December 17, 2025

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 11-04-2025

AN ORDINANCE TO ENTER INTO AN AGREEMENT BETWEEN NEWBERRY ELECTRIC COOPERATIVE, INC. AND NEWBERRY COUNTY TO EXCHANGE PROPERTY KNOWN AS TAX MAP NUMBER 576-11 FOR A PORTION OF THE PROPERTY KNOWN AS TAX MAP NUMBER 576-12 AS DESCRIBED FULLY HEREIN.

WHEREAS, Newberry County (“the County”) is the legal owner of the parcel known as Tax Map No. 576-12 (a portion) described as:

All that certain piece, parcel or tract of land, situate. Lying and being in the County of Newberry, State of South Carolina, containing an aggregate of 11.54 acres, more or less, and being more particularly shown and delineated as PARCEL A, containing 10.15 acres, more or less, and PARCEL B, containing 1.39 acres, more or less on plat prepared for Newberry Electric Cooperative by William C. Cannon, RLS No. 16116, dated April 8, 2024 and recorded in the Office of the Clerk of Court for Newberry County. Subject to all easements as shown on Plat and full property description.

WHEREAS, the Newberry Electric Cooperative has expressed an interest in these tracts or parcels of land; and

WHEREAS, Newberry Electric Cooperative is the legal owner of the parcel known as Tax Map No. 576-11, described as:

All that certain piece, parcel or tract of land, situate, lying and being in the County of Newberry, State of South Carolina, containing 5.11 acres, more or less, and being more particularly shown and delineated on plat prepared for Newberry Electric Cooperative, Inc. by Glenn Associates Surveying, Inc., dated August 31, 2015 and recorded in the Office of the Clerk of Court for Newberry County in Plat Book D53 at Page 4. According to said plat, which is incorporated by reference, said property is bounded on the east by Commerce Park Road and other lands of the County of Newberry; on the south by right of way of Central Electric Power Cooperative, Inc.; and on the west by other lands of the County of Newberry. Subject to all conditions, covenants, easements, restrictions, and rights of way indicated by instruments of record in the chain of title of the subject property

WHEREAS, Newberry County has expressed an interest in this tract of land and its improvements, and

WHEREAS, following appropriate due diligence on the part of both parties, Newberry County and Newberry Electric Cooperative have determined that it is in the best interest of the County and the citizens of Newberry County to enter into an agreement to contractually exchange these properties and to convey to each other the properties.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 17th day of December, 2025 that:

Newberry County Council does hereby authorize the exchange of the property as described herein and does hereby authorize the engagement of a contractual agreement for such transaction with the Newberry Electric Cooperative.

This Ordinance shall be effective upon adoption by the Newberry County Council on the date of the final reading approval.

NEWBERRY COUNTY COUNCIL

(SEAL)

BY: _____
Robert Shealy, Chairman

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, County Attorney

Jeff Shacker, County Administrator

1st Reading: November 5, 2025
2nd Reading: November 19, 2025
Public Hearing: November 19, 2025
3rd Reading: December 17, 2025

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

RESOLUTION NO.: 08-25

**INDUCEMENT RESOLUTION COMMITTING TO
NEGOTIATE A FEE IN LIEU OF TAX AGREEMENT
BETWEEN NEWBERRY COUNTY AND DUKE ENERGY
CAROLINAS, LLC; IDENTIFYING THE PROJECT; AND
OTHER RELATED MATTERS**

WHEREAS, Newberry County, South Carolina (the “County”), acting by and through its County Council (the “County Council”) is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (the “Act”), to enter into a fee in lieu of tax agreement (the “Fee Agreement”) with respect to a project which requires the industry to make a payment of a fee in lieu of taxes, through which powers the industrial development of the State of South Carolina and the County will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State of South Carolina and the County and thus to utilize and employ the manpower, products, and natural resources of the State of South Carolina to benefit the general public welfare of the County by providing services, employment, and other public benefits not otherwise provided locally; and

WHEREAS, Duke Energy Carolinas, LLC, on its own or together with one or more of its subsidiaries, affiliates, successors, assigns, sponsors, lessors, and others (collectively, the “Company”), desires to invest capital in the County in order to establish a solar energy production facility in the County (the “Project”), provided that approvals of various incentives contemplated for the Project are formalized by the State and/or County; and

WHEREAS, the Project is anticipated to result in an investment of approximately \$70,000,000 in the County; and

WHEREAS, the County and the Company previously entered into a Fee Agreement dated April 19, 2023 (the “Prior FILOT Agreement”); and

WHEREAS, the Company’s construction of the Project did not proceed as quickly as originally anticipated and, in order to preserve the benefits the Company would have received under the Prior FILOT Agreement, the Company has requested that the County enter into a new Fee Agreement, thereby providing for a fee in lieu of tax (“FILOT”) and infrastructure and/or special source revenue credits (“SSRCs”) with respect to the Project, which agreement is intended to supersede and replace the Prior FILOT Agreement but contain materially the same terms; and

WHEREAS, the County has determined solely on the basis of the information supplied to it by the Company that the Project would be a “project” and “economic development property” as such terms are defined in the Act and that the Project would serve the purposes of the Act; and

WHEREAS, pursuant to the authority of Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended and Article VIII, Section 13 of the South Carolina Constitution, the County, by Ordinance 03-01-23, previously added the Project to the Greenwood-Newberry Industrial Park and agrees to use its best efforts to ensure that the Project remains in the

Greenwood-Newberry Industrial Park or in any other multi-county industrial and business park established, or to be established, by the County (the “Park”) pursuant to a qualifying agreement with one or more contiguous South Carolina counties.

NOW, THEREFORE, BE IT RESOLVED by the County Council as follows:

Section 1. The County hereby agrees to negotiate a fee in lieu of tax arrangement with the Company under the Act, which may provide for a fee in lieu of *ad valorem* taxes (“FILOT”) for a period of 40 years for each component of the Project placed in service during the investment period (the “FILOT Term”) under the Act and calculated using a 6% assessment ratio and a fixed millage rate equal to the lowest millage rate allowable under the Act for a period of 30 years for each component of the Project placed in service during the investment period.

Section 2. The further details of the FILOT and the SSRCs shall be prescribed by subsequent ordinance of the County to be adopted in accordance with South Carolina law and the rules and procedures of the County.

Section 3. The County agrees to use its best efforts to ensure that the Property is already located in or to include the Property in a Park for at least the longer of a 30-year period or the period of time the FILOT arrangement is in place.

Section 4. This resolution shall constitute an inducement resolution for this Project within the meaning of the Act.

Section 5. This resolution shall constitute “preliminary approval” pursuant to Section 12-44-110(2) of the Act by which property may be placed in service prior to the execution of a FILOT agreement but still constitute economic development property under the Act.

Section 6. All orders, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This resolution shall take effect and be in full force from and after its passage by the County Council.

(Signature Page Follows)

Adopted this 17th day of December, 2025.

NEWBERRY COUNTY, SOUTH CAROLINA

Signature: _____

Name: _____

Title: _____

(SEAL)

ATTEST:

Signature: _____

Name: _____

Title: Clerk to County Council

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 11-05-2025

ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN NEWBERRY COUNTY, SOUTH CAROLINA AND DUKE ENERGY CAROLINAS, LLC, PROVIDING FOR A PAYMENT OF A FEE IN LIEU OF TAXES, PROVIDING SPECIAL SOURCE REVENUE CREDITS, AND ADDRESSING OTHER MATTERS RELATED THERETO.

WHEREAS, Newberry County, South Carolina (the “County”) acting by and through its County Council (the “County Council”) is authorized and empowered pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended (the “Act”), to enter into fee agreements with any industry, with said agreements identifying certain properties of such industries as economic development property, through which powers the industrial development of the State of South Carolina (the “State”) and the County will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate, remain, and expand in the State and the County and thus utilize and employ the manpower, products, and natural resources and benefit the general public welfare of the State and County by providing services, employment, or other public benefits not otherwise adequately provided locally; and

WHEREAS, Duke Energy Carolinas, LLC (the “Company”) has committed to invest in the establishment of a solar energy production facility through the acquisition of land, a building, and improvements thereon (the “Land and Building”); the construction of improvements thereon and/or therein; and/or the acquisition of personal property, including, but not limited to, machinery, equipment, and furniture to be installed on and/or in the Land and Building, which would constitute a project within the meaning of the Act and which are eligible for inclusion as economic development property, the cost of which is estimated to be approximately \$70,000,000 over five years (the “Project”), all as more fully set forth in the Fee Agreement attached hereto, and provided that approvals of various incentives contemplated for the Project are formalized by the State and/or County; and

WHEREAS, the County and the Company previously entered into a Fee Agreement dated April 19, 2023 (the “Prior FILOT Agreement”); and

WHEREAS, the Company’s construction of the Project did not proceed as quickly as originally anticipated and, in order to preserve the benefits the Company would have received under the Prior FILOT Agreement, the Company has requested that the County enter into a new Fee Agreement, thereby providing for a fee in lieu of tax and infrastructure and/or special source revenue credits with respect to the Project, which agreement is intended to supersede and replace the Prior FILOT Agreement but contain materially the same terms; and

WHEREAS, pursuant to an Inducement Resolution dated as of November 5, 2025, the County authorized the negotiation of a new agreement providing for fee in lieu of tax payments with materially the same terms as the Prior FILOT Agreement; and

WHEREAS, the Company has caused to be prepared and presented to this meeting the form of the Fee Agreement by and between the County and the Company (the "Fee Agreement"), which provides for fee in lieu of tax payments utilizing a 6% assessment ratio for a period of 30 years for the Project or each component thereof placed in service during the initial investment period and any investment period extension to which the County and the Company agree and the issuance special source revenue credits as further described therein; and

WHEREAS, it appears that the Fee Agreement, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended.

NOW, THEREFORE, BE IT ORDAINED by the County Council in a meeting duly assembled as follows:

Section 1. In order to promote industry, develop trade, and utilize and employ the manpower, products, and natural resources of the State of South Carolina by assisting the Company to expand or locate an industrial facility in the State of South Carolina, the Fee Agreement is hereby authorized, ratified, and approved.

Section 2. Based solely on information supplied by the Company, it is hereby found, determined, and declared by the County Council, as follows:

- (a) The Project will constitute a "project" as said term is referred to and defined in the Act, and the County's actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the Act.
- (b) The Project and the payments in lieu of taxes set forth herein are beneficial to the County, and the County has evaluated the Project based upon all criteria prescribed by law, including the anticipated dollar amount and nature of the investment to be made and the anticipated costs and benefits to the County.
- (c) The Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally.
- (d) The Project gives rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either.
- (e) The purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes.
- (f) The inducement of the location or expansion of the Project within the County and State is of paramount importance.
- (g) The benefits of the Project to the public will be greater than the costs.

Section 3. The form, terms, and provisions of the Fee Agreement presented to this meeting are hereby approved, and all of the terms, provisions, and conditions thereof are incorporated herein by reference as if the Fee Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council and/or the County Administrator are authorized, empowered, and directed to execute, acknowledge, and deliver the Fee Agreement in the name of and on behalf of the County, and thereupon to cause the Fee Agreement to be delivered to the Company. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, with such changes therein as shall not be materially adverse to the County and as shall be approved by the officials of the County executing the same, upon the advice of Counsel to the County, such official's execution thereof to constitute conclusive evidence of such official's approval of any and all changes or revisions therein from the form of the Fee Agreement now before this meeting.

Section 4. The Chairman of the County Council and/or the County Administrator, for and on behalf of the County, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Fee Agreement and the performance of all obligations of the County under and pursuant to the Fee Agreement.

Section 5. The provisions of this Ordinance are hereby declared to be separable, and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

Section 6. All orders, resolutions, ordinances, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and this Ordinance shall take effect and be in full force from and after its passage and approval.

(SIGNATURE PAGE TO FOLLOW)

Passed and approved this [] day of [], 2026.

**NEWBERRY COUNTY,
SOUTH CAROLINA**

Signature: _____

Name: _____

Title: _____

STATE OF SOUTH CAROLINA)
COUNTY OF NEWBERRY)

I, the undersigned, Clerk to County Council of Newberry County, South Carolina ("County Council"), DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct, and verbatim copy of an Ordinance adopted by the County Council. The Ordinance was read and received a favorable vote at three public meetings of the County Council on [], 2025, [], 2025, and [], 2026. At least one day passed between first and second reading, and at least seven days passed between second and third readings. A public hearing was held on [], 2026, and notice of the public hearing was published in the *Newberry Observer* on []. At each meeting, a quorum of County Council was present and remained present throughout the meeting.

Attached hereto are excerpts of the minutes of the meetings of the County Council. The County Council complied with the Freedom of Information Act, Chapter 4, Title 30 of the S.C. Code of Laws, 1976, in connection with said meetings of County Council.

The Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of Newberry County Council, South Carolina, as of this []day of [], 2026.

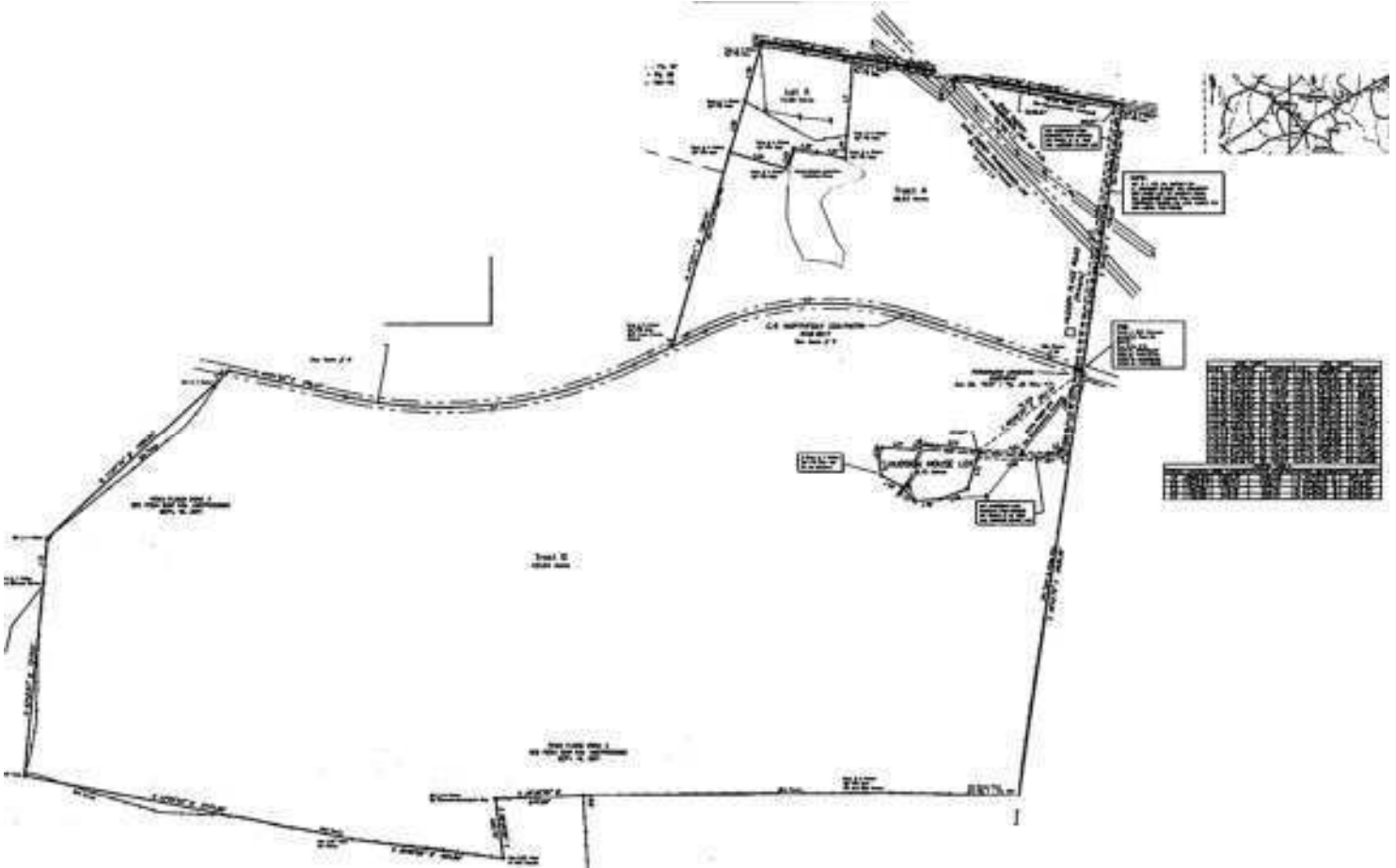
Signature: _____

Name: _____

Title: Clerk to County Council

EXHIBIT A
DESCRIPTION OF PROPERTY

All that certain piece, parcel or tract of land lying, situate and being in the State of South Carolina, County of Newberry, listed and shown by the Newberry County Assessor's Office as Parcel No. 239-1, excluding the areas identified as Lot A (approximately 11 acres) and the Hudson House Lot (approximately 4.15 acres) on the attached survey by Piedmont Surveying, Inc., dated April 25, 2018.



STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

RESOLUTION NO.: 09-25

COMMITTING TO NEGOTIATE A FEE-IN-LIEU OF *AD VALOREM* TAXES AGREEMENT BETWEEN NEWBERRY COUNTY AND PROJECT NOVA; IDENTIFYING THE PROJECT; AND OTHER MATTERS RELATED THERETO

WHEREAS, Newberry County, South Carolina ("County"), acting by and through its County Council ("County Council") is authorized pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended ("Act") to encourage manufacturing and commercial enterprises to locate in the State of South Carolina ("South Carolina" or "State") or to encourage manufacturing and commercial enterprises now located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with a sponsor, as defined in the Act, that provides for the payment of a fee-in-lieu of *ad valorem* tax ("FILOT Payments") with respect to economic development property, as defined in the Act;

WHEREAS, Project Nova, an entity whose name cannot be publicly disclosed at this time ("Sponsor"), desires to invest capital in the County in order to expand its manufacturing facility in the County ("Project");

WHEREAS, the Project is anticipated to result in an investment of approximately \$18,500,000.00 in taxable real and personal property and the creation of approximately 16 new, full-time equivalent jobs; and

WHEREAS, as an inducement to the Sponsor locate the Project in the County, the Sponsor has requested that the County negotiate an agreement ("Agreement"), which provides for FILOT Payments with respect to the portion of the Project which constitutes economic development property, as defined in the Act.

NOW, THEREFORE, BE IT RESOLVED by the County Council as follows:

Section 1. This Resolution is an inducement resolution for this Project for purposes of the Act.

Section 2. County Council agrees to enter into the Agreement, which provides for FILOT Payments with respect to the portion of the Project which constitutes economic development property. The further details of the FILOT Payments and the agreement will be prescribed by subsequent ordinance of the County to be adopted in accordance with South Carolina law and the rules and procedures of the County.

Section 3. County Council identifies and reflects the Project by this Resolution, therefore permitting expenditures made in connection with the Project before the date of this Resolution to qualify as economic development property, subject to the terms and conditions of the Agreement and the Act.

Section 4. This Resolution is effective after its approval by the County Council.

RESOLVED: December 17, 2025

NEWBERRY COUNTY, SOUTH CAROLINA

Chair, Newberry County Council

(SEAL)
ATTEST:

Clerk to County Council

STATE OF SOUTH CAROLINA)
)
NEWBERRY COUNTY)

ORDINANCE NO. 12-01-2025

AN ORDINANCE ACTING ON A REQUEST TO AMEND THE OFFICIAL ZONING MAP ESTABLISHED PURSUANT TO ZONING ORDINANCE NO. 12-24-01 AS REVISED AND AMENDED BY ZONING ORDINANCE NO. 6-11-16 AND CODIFIED IN CHAPTER 153 OF THE NEWBERRY COUNTY CODE OF ORDINANCES, ESTABLISHES ZONING CLASSIFICATION AND DISTRICTS SO AS TO REZONE ONE (1) REAL ESTATE PARCEL TOTALING EIGHTY HUNDREDTHS (.80) ACRES DESIGNATED AS TMS NO. 640-88 FROM RS-SINGLE FAMILY RESIDENTIAL TO R2-RURAL.

WHEREAS, Zoning Ordinance, codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classifications and districts, as well as an Official Zoning Map; and

WHEREAS, said Zoning Ordinance provides procedures for the amendment of both the text of the Ordinance and the district boundaries shown on the Official Zoning Map; and

WHEREAS, pursuant to the procedures established by the Zoning Ordinance, application was made for a map amendment to rezone one (1) real estate parcel totaling eighty hundredths (.80) acres located at 178 Mt. Tabor Road, Little Mountain, to R2-Rural from RS-Single Family Residential. Tax Map No. 640-88 is currently vacant land. The Comprehensive Plan shows the future land use for this area to be within the transitional projected area. The Planning Staff does recommend that this real estate parcel be rezoned to R2-Rural.

WHEREAS, the Newberry County Joint Planning Commission, in case number MA01-11-18-25, had this matter on its agenda and considered this request and received comments as to both the existing and intended uses of the property.

The Joint Planning Commission determined that it does concur with the recommendation of the Planning Staff. The Planning Commission has now forwarded its report on the rezoning request to Newberry County Council, as required by law, for consideration of its actions by Newberry County Council.

WHEREAS, Newberry County Council is familiar with the site and the existing uses of the properties located at 178 Mt. Tabor Road, Little Mountain.

NOW, THEREFORE, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning Tax Map No. 640-88 totaling eighty hundredths (.80) acres located at 178 Mt. Tabor Road, Little Mountain as more particularly shown on the plat accompanying the submitted “Official Zoning Map Amendment Application” included in the submitted Planning Commission report attached hereto, R2-Rural from RS-Single Family Residential .

A. That the proposed map amendment does promote the implementation of the Comprehensive Plan in the area.

B. This amendment is needed because the proposed development cannot be accomplished by the owner under the existing zoning district regulations.

C. That traffic patterns in the neighborhood will not be adversely affected by the change in zoning.

NOW, THEREFORE, BE IT ORDAINED that:

Newberry County Council hereby determines, based on the findings set forth above, that the attached rezoning request for a map amendment for Tax Map No. 640-88

totaling eighty hundredths (.80) acres real estate parcel as acted on by the Planning Commission, be:

_____ disapproved;

_____ approved; or

_____ approved with the following modifications: _____

_____.

AND IT IS SO ORDAINED by Newberry County Council this _____ day of

_____, 2026 in meeting duly assembled at Newberry, South Carolina.

(SEAL)

NEWBERRY COUNTY COUNCIL

By: _____

Nicholas Shealy, Chairman

Attest:

Andrew Wigger, Clerk to Council

1st reading: _____

2nd reading: _____

Public Hearing: _____

3rd reading: _____

Reviewed and approved as to form:

Attorney

County Administrator

2026
NEWBERRY COUNTY COUNCIL
REGULAR SCHEDULED MEETINGS

Courthouse Annex - Council Chambers
1309 College Street
Newberry, SC 29108

January 7 January 21	July 1 July 15
February 4 February 18	August 5 August 19
March 4 March 18	September 2 September 16
April 15	October 7 October 21
May 6 May 20	November 4 November 18
June 3 June 17	December 16

Newberry County Council will meet on the
first and third Wednesday of each month (excluding April 1 & December 2)
**at 5:00 p.m. in Council Chambers for the purposes of Executive Sessions,
Work Sessions, or both as needed.**

Courthouse Annex,
1309 College Street, Newberry, S.C.

Newberry County Council will meet on the
first and third Wednesday of each month (excluding April 1 & December 2)
at 6:00 p.m. in Council Chambers

Courthouse Annex,
1309 College Street, Newberry, S.C.

--- Notice will be given for special called meetings of Council ---